

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CARRIE MCCLUSKEY, et al.,

Plaintiffs,

Civil Action No.  
09-CV-14345

vs.

HON. MARK A. GOLDSMITH

BELFORD HIGH SCHOOL, et al.,

Defendants.

**ORDER TO SHOW CAUSE PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 11(c)(3)**

The Amended Complaint in this case contains the following allegations:

86. Belford's website . . . depicts a building with the name "Belford High School" on the side, representing that an actual building exists housing Belford and its campus. On information and belief, this representation is false because no such school building or campus exists.
87. Defendants falsely represent that Belford High School has an actual campus and offers jobs. "Belford offers exciting and prestigious job prospects to its students. The university has a variety of on campus and off campus jobs and internship opportunities that students can explore."
88. On information and belief, neither Belford High School nor Belford University has a campus, and neither offers internships or jobs.

Am. Compl. ¶¶ 86-88. Other than noting that its website speaks for itself, Belford specifically denied all three of these purely factual allegations in its Amended Answer, thereby representing to this Court and to the world that it has a "school building" and an "actual campus." Am. Answer ¶¶ 86-88.

The evidence that has come to light in discovery and in connection with Plaintiffs' motion for entry of default has revealed that Belford has no "campus" or "building." See Resp. at Ex. 8

(letter dated 3/23/11 wherein Belford admits that there is no campus or classrooms at Belford's purported Panama location).

Federal Rule of Civil Procedure 11(b)(3) requires that all factual contentions contained in pleadings submitted to the Court "have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery." That rule authorizes a court to issue an order to show cause why sanctions should not be imposed "on the Court's initiative." Fed. R. Civ. P. 11(c)(3). The Court has decided to exercise its authority to issue a show cause order because of the significant possibility that Belford and its counsel have willfully filed a pleading containing intentional misstatements.

Within 10 days of today's date, Belford and its counsel shall show cause in writing why they did not violate Rule 11(b)(3) by denying the factual allegations contained at paragraphs 86-88 of the Amended Complaint and why sanctions should not be imposed on Belford and its counsel. Plaintiffs may file a responsive memorandum not later than seven days from service of Belford's response to this Order. The submissions of Belford and Plaintiffs may not exceed 10 pages each.

SO ORDERED.

Dated: July 8, 2011  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 8, 2011.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager